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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/575,902	04/14/2006	Ekkehard Roth	P29527	4685
7055 7590 11/22/2010 GREENBLUM & BERNSTEIN, P.L.C. 1950 ROLAND CLARKE PLACE RESTON, VA 20191				
EXAMINER				
HUDA, SAIED M				
ART UNIT		PAPER NUMBER		
1742				
NOTIFICATION DATE		DELIVERY MODE		
11/22/2010		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/575,902

Applicant(s)

ROTH, EKKEHARD

Examiner

SAEED M. HUDA

Art Unit

1742

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10/07/2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 11-20 is/are pending in the application.
- 4a) Of the above claim(s) 14-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/GS/US)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim of Foreign Priority

1. Applicant has requested that the Cover Sheet of the next communication from the Patent and Trademark Office be completely filled in to acknowledge the claim of foreign priority and receipt of all of the certified copies in this national stage application. Acknowledgment to claim of foreign priority is made (see PTO-326 Office Action Summary section entitled "Priority under 35 U.S.C. § 119").

Election/Restrictions

2. Reference was made by Applicant's representative that the Office Action improperly indicates at page 2 that the elected claims are 14-20, because these claims are actually held to be withdrawn as not being elected. This was an inadvertent typographical error. Claim 14-20 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected group, there being no allowable generic or linking claim.

Applicant traverses the requirement because the basis for the requirement is not clearly presented. It is noted that non-elected claims 14-20 were added in an amendment filed 4/2/09 and were constructively held non-elected by original presentation as they were directed to an invention that was distinct from the invention originally examined by the examiner. This was detailed in the final office action mailed 5/15/09 and further clarified in the advisory action mailed 7/23/09. Therefore it is the position of the examiner that the basis for the restriction requirement has been presented.

Applicant's request for rejoinder is noted. However, the elected claims are directed to a method of making fiber composite and not the fiber composite. Therefore, it does not appear that the claims would be eligible for rejoinder. Refer to MPEP 821.04 and MPEP 2113.

Response to Amendment

3. Claims 1-3, 13, and 18-20 have been amended. Claims 1-9 and 11-20 are pending. Claims 14-20 are withdraw.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 1-9 and 11-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. Claim 1 recites "the filler consisting of the reinforcement fibers...so that the reinforcement fibers...consists of the reinforcement fibers." This phrasing is confusing because is states that the reinforcement fibers consist of itself. It appears that applicant intends to recite a reinforcement fiber and a filler which consists of ground or cut reinforcement fibers. It is suggested that applicant amend the claim to recite "Method for producing a fiber-composite material for producing fiber-composite components, comprising reinforcement fibers, resin and a filler, the filler consisting of the reinforcement fibers that have been at least one of ground or cut."

Response to Arguments

7. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

9. Claims 1, 3-4, and 13 are rejected under 35 U.S.C. 102(a) as being anticipated by Sampson (US 2005/0023727 A1).

- a. Regarding claims 1 and 3, Sampson teaches the creation of composite structures where fibers and a matrix are present ([0002]). Sampson goes on to state that the matrix can be made of polymeric or carbon resin and will serve to provide adhesion among fibers where such fibers may include not only long fibers as may be found in fabric sheet of reinforcement fibers (applicant's fibers), but also filaments or short fibers (applicant's filler that consists of reinforcement fibers that have been cut) that may be created by chopping of a sheet of long fibers ([0002]). Sampson goes on to state that the fibers can be cut into lengths of 0.25 inches (6.35 mm) or other lengths ([0002] and [0084]).
- b. Regarding claim 13, ground fibers are inherently fibers that have been cut. The fiber sizes required by the claim can be found in claim 1 above.

- c. Regarding claim 4, the cut fiber reinforcement is mixed with the resin that forms a subsequent matrix of the fiber-composite component forming a resin filler mixture.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sampson (US 2005/0023727 A1) as applied to claim 1 above, and further in view of Inokuchi et al. (US 4284596).

Sampson fails to teach fibers having a size less than 2 mm. Inokuchi et al. teach producing a composite material (abstract) where a fibrous filler is used and said filler is from 1 mm – 15 mm in size (column 9, lines 6-21). It would have been obvious to one having ordinary skill in the art at the time of the invention to use the fibrous filler of size 1 mm – 15 mm in the invention of Sampson as this is an art recognized fibrous filler size used in the production of composite, as exemplified by the teachings of Inokuchi et al.

12. Claims 5-9 and 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sampson (US 2005/0023727 A1) as applied to claim 4 above, and further in view of Spaay (US 4883624).

- a. Regarding claims 5-6, Sampson fails to teach that the resin mixture is processed into a film or that the film is applied to a semi-finished textile product.

Spaay teaches a process for manufacturing blanks comprising the production of a batch of fiber-reinforced synthetic resin compound (fiber composite material), the production of a piece of fiber mat, depositing the batch of compound onto the piece of fiber mat, and conveying them together into a press for molding them together (abstract). Spaay teaches that glass, polyester, polyamide, or aramid fibers are taken of the delivery spool in an endless manner (reinforcement fibers) and are mixed with cut fibers. They are then fed to the molding apparatus. The fibers are embedded into the molding compound of the resin composition and fillers (column 1, lines 20-30). Spaay goes on to teach that the finished product can be stored in rolls (column 1, lines 10-35) (i.e. formed into sheet (film) product) and that the fiber reinforced synthetic resin (resin filler film) compound may be laced onto a piece of a fiber mat (semi-finished textile product) (column 2, lines 1-19)

It would have been obvious to one having ordinary skill in the art at the time of the invention to process the resin filler mixture into a film as this will allow for easy storage (as a roll) (column 1, lines 10-35) and applying the film to a semi-finished textile product will allow the film to be properly supported (column 2, lines 1-19).

b. Regarding claim 7, Sampson fails to explicitly teach wherein the resin filler film is introduced into a component mold before the semi-finished textile product is placed in the component mold.

Spaay teaches providing a molding apparatus and placing a batch of resin compound in said apparatus without wrapping on a mat (i.e. solely resin), after which a mat with a batch of resin compound is transported into a molding apparatus (claim 1).

It would have been obvious to one having ordinary skill in the art at the time of the invention to place the resin filler film into a component mold before the semi-finished textile product is placed in the component mold as this will allow for the film/textile product to be more easily removed from the mold. Additionally, this is an art recognized method of molding as exemplified by the teaching of Spaay.

c. Regarding claims 8-9, Spaay teaches that said material depositing means comprising means for spraying material and/or cut rovings onto said endless spun rovings (Spaay claim 10). Where the sprayed material can also be used for producing performs.

d. Regarding claim 11, Spaay teaches that any of the mentioned forms of fabrics would have been obvious to one having ordinary skill in the art at the time of the invention in that they are all common textile product forms.

e. Regarding claim 12, Spaay teaches that the resin filler film comprises a preform (i.e. fiber reinforced thermosetting synthetic resin compound) (claim 1).

Conclusion

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SAEED M. HUDA whose telephone number is 571.270.5514. The examiner can normally be reached on 8:00 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Johnson can be reached on 571.272.1176. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/SAEED M. HUDA/
Examiner, Art Unit 1742

/Christina Johnson/
Supervisory Patent Examiner, Art Unit 1742